

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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UNITED STATES OF AMERICA,	:	CASE NO. 4:17-cr-00524
Plaintiff,	:	ORDER
v.	:	
DAINON JONES,	:	
Defendant.	:	
	:	

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JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Dainon Jones seeks relief from this Court based on an alleged error in his indictment and subsequent plea agreement. Jones initially requested leave from this Court to file an Amended Petition to Vacate his Conviction and Sentence under 28 U.S.C. § 2255.<sup>1</sup> The government opposed.<sup>2</sup> Jones then clarified that he sought relief through this Court's application of Federal Rule of Criminal Procedure 33.<sup>3</sup>

Rule 33 says that "[u]pon the defendant's motion, [a district] court may vacate any judgment and grant a new trial if the interest of justice so requires."<sup>4</sup> Rule 33's "interest of justice" standard allows the grant of a new trial where substantial legal error has occurred.<sup>5</sup>

The Court construes Jones's filings as a motion for relief under Rule 33 and ORDERS the government to respond to the substance of Jones's motion within fourteen days.

IT IS SO ORDERED.

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<sup>1</sup> Docs. 138, 138-1.

<sup>2</sup> Doc. 140.

<sup>3</sup> Doc. 141.

<sup>4</sup> Fed. R. Crim. P. 33.

<sup>5</sup> *United States v. Munoz*, 605 F.3d 359, 373 (6th Cir. 2010).

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GWIN, J.

Dated: August 1, 2022

s/      James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE